

REMARKS/ARGUMENTS

In the Final Office Action mailed September 13, 2005, claims 1-3, 6, 7, 9, 11, 13, 21-31, and 34-36 stand rejected. Claims 4, 5, 8, 10, 12, 14-20, 32, 33, and 37 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1, 18, 21 and 27 have been amended to include indicated allowable subject matter. Claim 10 has been cancelled without prejudice or disclaimer. No new matter has been added. Applicants have thoroughly reviewed the outstanding Office Action including the Office's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 U.S.C. §102

Claims 1-3, 6, 7, 9, 13, 21-31, 34 and 35 are rejected under 35 U.S.C. §102(b) as being anticipated by Viken (Re. 36,650, hereinafter "Viken"). The Office states that Viken suggests an apparatus for testing fluid flow and flushing a transmission cooler having a user interface panel, fluid supply and fluid return lines, a pressure switch, a manual shut off valve, a filtering system, and a flow switch coupled to the return line. The Office further states that the Viken apparatus further includes a reservoir tank, that being a transmission pan, for containing automatic transmission fluid (ATF) and a heating element, that being the components of the transmission because of the transmission operation heats up the ATF, is located within the reservoir tank. The Office continues by stating that the Viken apparatus includes a fluid fill port connected to the reservoir tank, an air operated fluid pump coupled to the reservoir tank, and an air injection system coupled to the pump and supply line. Applicants have amended claims 1, 18, 21 and 27

to include indicated allowable subject matter. Withdrawal of the rejection is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. §103

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Viken. Because claim 11 depends from claim 1, which is believed to be in condition for allowance, this claim is also believed to be allowable. Withdrawal of the rejection is respectfully requested.

CLAIM OBJECTIONS


Claims 4, 5, 8, 10, 12, 14-20 and 32 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Office for allowing these claims. Applicants have amended claim 1 to include elements of claim 10, claim 18 to include elements of claim 1, claim 21 to include elements of claim 37, and claim 27 to include elements of claim 37.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance, the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Enclosed is a check in the amount of \$200 for the one new independent claim that has been added. In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit overpayments to Deposit Account No. 50-2036, referencing Attorney Docket No. 87345.2040.

Respectfully submitted,
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